



Executive Regulation

For Environmental Inspections and Audits

For the Environmental Law Issued by the Royal Decree

No. (m/165), dated 19/11/1441 Hijri

***** Note: In the event of any discrepancy between the Arabic original version of this
Executive Regulation and its English translation, the Arabic version prevails *****



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Article (1) - Definitions

The following terms and expressions- wherever they appear in this Executive Regulation – shall have the meaning set forth below, except where it is therein expressly otherwise:

Law: Environmental law.

Executive Regulation: Executive Regulation for the environmental law.

Executive Regulation: Executive Regulation for environmental inspections and audits.

Ministry: Ministry of Environment, Water and Agriculture.

Minister: Minister of Environment, Water and Agriculture.

Center: National Center for Environmental Compliance.

CEO: Chief Executive Officer of the Center.

Inspectors: Employees designated by the Minister or the chairman of the board of directors of the Center to conduct environmental monitoring and inspections, and to apprehend, investigate, and substantiate violations to the provisions of the law and Executive Regulations.

Person: Any public or private natural or legal person.

Activity: Any industrial, commercial, or service-related facility, project, business, or other activities that are expected to have an adverse environmental impact.

Supervising Authority: Any government body that is legally authorized to supervise the activity and that is mandated to issue licenses for the undertaking of activities under its jurisdiction.

Environmental Audit Study: A study that reports the outcomes of an objective, structured, periodic, and documented assessment of the operations of a specific facility. The study is conducted after the establishment or during the operations of the facility to determine whether it complies with environmental requirements and standards. The study aims at improving the facility's environmental performance and compliance with the provisions of the law, the Executive Regulations, and related licenses and permits.

Permit: A document issued by the Center to a person before undertaking any activity with an environmental impact.

Permittee: A person who is granted a permit in accordance with the provisions of this Executive Regulation.

License: A document issued by the Center authorizing a person to undertake an environmental activity.

Licensee: A person who is granted a license in accordance with the provisions of this Executive Regulation.





Environmental Permit for Operations: A document issued by the Center authorizing operations of the activity once the establishment phase completed and after ensuring that the permittee's compliance with all the requirements of the environmental permit for establishment.

Service Provider: A person licensed by the Center to provide environmental services.

Environmental Compliance Certificate (ECC): Document issued by the Center to confirm the permittee's compliance with the law, the Executive Regulation, and the requirements of the environmental permits.

Environmental Management Plan: Measures taken by the person to ensure and sustain environmental compliance. It is submitted as part of the procedures to obtain the environmental permit.

Self-Inspection: Activity's inspection process to ensure compliance with the provisions of the law, the Executive Regulation, and the environmental requirements.

Environmental Degradation: Severe damage to the environment caused by the depletion of natural resources, the destruction of natural habitats, the extinction of wildlife species, or the pollution of environmental media and the deterioration of air, water, and soil quality.

Environmental Emergencies: Any operational incident within any activity or facility resulting in threatening natural habitats or harming the environment.

Confidentiality disclaimer: Document handed by the Center to the activity - upon request - where all confidential information, data, technologies, and property rights are set out.

Article (2) - Scope of Application

The provisions of this Executive Regulation shall apply to all persons in the Kingdom.

Article (3) - Center's Scope of Work pertaining to Environmental Inspections and Audits

The Center is responsible of the tasks related to environmental inspections and audits, such as:

- (1) Developing an environmental inspection methodology suitable for the different categories of activities to be inspected such as poultry, energy, mining, industry and others, in alignment with international best practices.
- (2) Developing and implementing annual plans for environmental inspection.
- (3) Inspecting, monitoring, and apprehending violations to the law or Executive Regulation; and coordinating when needed with the competent authority at the Ministry of Interior for matters related to security control and violators' apprehension.
- (4) Reviewing self-inspection reports and ensuring environmental compliance as well as the effectiveness of the adopted self-inspection programs.





- (5) Developing the controls and requirements related to the environmental audit studies.
- (6) Reviewing environmental audit studies' reports and issuing the related decisions.
- (7) Following through with persons' obligations to implement the requisites of the self-inspection reports, environmental audit studies' reports as well as the action plans to implement the corrective measures.
- (8) Issuing Environmental Compliance Certificates (ECCs)
- (9) Coordinating with the other National Environmental Centers – when needed – for matters related to inspection activities when the reports and plans are within the centers' jurisdiction.

Article (4) - Environmental Inspection

First: Types of Environmental Inspections

- (1) **Periodic Inspection:** This inspection shall be conducted based on the annual plans for environmental inspection to ensure compliance with the law, the Executive Regulation, and the requirements of licenses and permits.
- (2) **Environmental Emergencies Inspection:** This inspection shall be conducted following any emergency to make sure that all corrective and preventive measures were taken.
- (3) **Inspection to Validate Reports and Data:** This inspection shall be conducted to validate the information provided in the reports and the data shared with the Center.
- (4) **Inspection Following Environmental Complaints or Notifications:** This inspection shall be conducted after the Center receives complaints or notifications, subject to centers' assessment regarding the necessity of an inspection.
- (5) **Inspection in Participation with the Relevant Parties:** Where committees from various specialized authorities are formed to examine cases pertaining to the environment sector, or environmental emergencies or disasters, with relevance to all participating authorities, or at the request of the supervising authority.

Second: Inspectors' Role

- (1) Inspectors are responsible of conducting inspection activities including:
 - a. Accessing sites and facilities belonging to persons to conduct environmental inspections.
 - b. Reviewing registers and data related to environmental issues at the inspected facility and maintaining copies of those provided this does not conflict with the confidentiality disclaimer.
 - c. Taking any photographs related to the environmental inspection for documentation purposes provided that this does not conflict with safety requirements, security precautions, and confidentiality disclaimer of the facilities under inspection.





- d. Carrying out any activities required for inspection, examination, measurement, or testing, as deemed suitable for the inspection.
 - e. Extracting samples of the existing substances and items.
 - f. Ensuring the proper implementation of the Environmental Management Plan as well as any other environmental plans.
 - g. Apprehending violations and taking necessary measures.
- (2) Inspectors must document the outcomes of the preliminary inspection and provide the persons' representatives with a copy of the report to take the necessary corrective measures pertaining to any apprehended violations (as the case may be).
 - (3) All persons must cooperate with the inspectors, provide registers and related data to conduct the inspection and facilitate their work.

Third: Post-Inspection Measures

- (1) Based on the inspection's outcome, the persons must implement immediate corrective measures set by the Center and develop an action plan for measures that cannot be immediately implemented due to technical reasons that are sanctioned by the Center or that require operational procedures or capital expenses. The above-mentioned action plan should be presented to the Center within (30) days as of the date when the inspection results are published and should include the following:
 - a. Detailed information related to the immediate measures that have been implemented.
 - b. Technical and timeline-related details of the corrective (non-immediate) measures' implementation and monitoring.
 - c. The revised Environmental Management Plan amended based on the inspection's outcomes, in case the activity's classification category requires or in case it was requested by the Center.
- (2) The Center shall review the plan and issue its decision within (15) working days as of the date of its receipt, with the decision to stipulate either the approval of the action plan or the suggested amendments.
- (3) The Center shall follow through the implementation of the plan.
- (4) The person can request a deadline extension to develop the corrective (non-immediate) plan provided that the requested extension does not exceed (30) additional days. In this case, a preliminary action plan for the corrective measures should be presented to the Center along with the extension request.

Fourth: Coordination with the Supervising Authorities





- (1) Coordination with the supervising authorities is required for the inspection of critical vital installations, which access is prohibited without abidance with certain specific security procedures.
- (2) Coordination with supervising authorities includes the provision of explanatory information such as the inspection's objective, the names and identities of the inspectors, the date and time of the inspection, the information, and data to be provided during the inspection as well as any other information requested by the Center.

Article (5) - Environmental Audit

First: Cases that Require an Environmental Audit Study

Environmental audit studies are required for the activities as follows:

- a. For the activities classified as category two or three, in accordance with the provision of the Executive Regulation for Environmental Permits to Establish and Operate Activities, on each renewal of the environmental permit to operate.
- b. Upon center's request, for any category, provided that the requirement is justified.

Second: Environmental Audit Study

- (1) Activities must prepare the Environmental Audit Study through a service provider authorized by the Center, based on the study's structure template and the information mentioned in Appendix (1) of this Executive Regulation. The study should be submitted to the Center with the renewal application for the environmental permit to operate. The Center is entitled to amend the content of the template as deemed suitable.
- (2) The Center shall review the Environmental Audit Study and issue its decision within (30) working days as of the date of its receipt, including any of the following:
 - a. Approval of the Environmental Audit Study and renewal of the permit, after collection of the financial dues.
 - b. Rejection of the study or requirement to correct information or data or to supplement the study's deficiencies. The Center shall make its final decision within (30) working days as of the date of receipt of the revised study.
- (3) The Center may extend the review period stipulated in Clause (2) of section (Second) of this Article whenever needed, while notifying the persons within a deadline of (15) working days.
- (4) The Center may examine the study site to corroborate any information of data provided in the study.
- (5) When the Environmental Audit Study is approved by the Center, the person or his representative commits to implement the outcomes and recommendations of the study along with any other set requirements.





- (6) The Center follows through the implementation of the outcomes and recommendations of the Environmental Audit Study along with any other set requirements.

Article (6) - Environmental Compliance Certificate

- (1) The Center issues (upon request) an Environmental Compliance Certificate for the persons in case the environmental compliance inspection conducted by The Center as well as the Environmental Audit Study reveal – at a minimum - environmental compliance with the law, Executive Regulation, standards, and requirements.
- (2) The Center shall grant the persons who obtained the Environmental Compliance Certificate the right to use the Environmental Compliance Badge – in accordance with the requirements set by the Center.

Article (7) - Prohibitions

All persons and activities are prohibited from doing any of the following:

- (1) Preventing inspectors from carrying their inspection work or from entering sites or facilities without a justification accepted by the Center.
- (2) Preventing inspectors from accessing registers and data; and from documenting the information related to the inspection, provided that this does not conflict with the confidentiality disclaimer.
- (3) Preventing inspectors from taking photographs for documentation, provided that this does not conflict with safety requirements, security precautions, or confidentiality disclaimer.
- (4) Preventing inspectors from taking measures or extracting samples of the substances and items, provided that this does not conflict with the adopted security requirements and standards.
- (5) Refusing to develop and implement action plans to apply corrective measures.
- (6) Refusing to develop Environmental Audit Study reports and implementing the outcomes and recommendations of these reports.
- (7) Submitting Environmental Audit Study reports conducted by an unauthorized service provider.
- (8) Including any inaccurate or incorrect information, data, or results in the reports presented to the Center.
- (9) Sabotaging the monitoring devices to alter data or results.

Article (8) - Violations and Penalties

Violations to the provisions of this Executive Regulation and the imposed penalties are detailed in table (1) in accordance the Executive Regulation of apprehension of violations and imposition of penalties, of the environmental law.





Table (1) - Violations and Penalties

#	Violations	Penalty (in SAR)	Comments
1	Including any inaccurate or incorrect information, data, or results in the reports presented to the Center.	From 1,000 to 50,000	Estimated based on the size of information and referring the violator to the Public Prosecution
2	Preventing inspectors from carrying their inspection work or from entering sites or facilities without a justification accepted by the Center	20,000	Requesting support of the competent security authority
3	Assaulting the inspectors while performing their work	50,000	Requesting support of the competent security authority and referring the violator to the Public Prosecution
4	Preventing inspectors from accessing registers and data; and from documenting the information related to the inspection without a justification accepted by the Center	10,000	Requesting support of the competent security authority
5	Preventing inspectors from taking photographs for documentation without a justification accepted by the Center	10,000	Requesting support of the competent security authority
6	Preventing inspectors from taking measures or extracting samples of the substances and items found in the activity's site	10,000	Requesting support of the competent security authority
7	Not developing action plans to apply corrective measures	20,000	
8	Not implementing action plans to apply corrective measures	30,000	
9	Not developing the Environmental Audit Study	20,000	
10	Not implementing the outcomes and recommendations of the Environmental Audit Study	30,000	
11	Sabotaging the monitoring devices to disrupt their functioning and change data and measurements	20,000 to 100,000	Estimated based on the size of affected functions, data, and measurements
12	Storing incomplete data from environmental monitoring devices or failing to document the data in the environmental registers	20,000	
13	Using the Environmental Compliance Badge after its suspension or cancellation	10,000	





Appendix (1) - Template of the Structure and Content of the Environmental Audit Study

Chapter Number	Chapter Title	Main Titles and Sub-titles
	Table of Contents	
	Forms and Numbers' List	
	Terminology Definitions	
	Non-technical Summary/brief of the Report	
1	Introduction	(1-1) Justifications of the Study Development, its Goals and Scope of Work (1-2) Structure of the Study Report (1-3) Information about the Service Provider who Developed the Study (1-4) Activity Description (1-5) Overview of the Previous Environmental Audit Studies
2	Related Environmental Laws and Executive Regulation	Overview of the Related Environmental Laws and Executive Regulations
3	Description of the Environment Surrounding of the Activity	(3-1) Site and Topography (3-2) Geology (3-3) Hydrology and Hydrogeology (3-4) Area Surrounding the Activity
4	Activities / Production	(4-1) Activities' Description / Production Process Description (4-2) Inputs / Outputs (4-3) Energy Use (4-4) Water Consumption (4-5) Schematic Design of the Activity
5	Environmental Performance of the Activity	(5-1) Adopted Environmental Management System (5-2) Air Emissions



Chapter Number	Chapter Title	Main Titles and Sub-titles
		(5-3) Wastewater (5-4) Solid Waste (5-5) Hazardous Waste (5-6) Biodiversity and Land Use (5-7) Noise (5-8) Health, Safety, Incidents and Complaints (5-9) Contingency Plan for the activity (5-10) Other indicators
6	Outcomes Summary	Summary of the Main Outcomes of the Audit
7	Compliance Executive Plan	(7-1) Compliance Plan and Corrective Measures (7-2) Activity's Enhancement Opportunities (7-3) Self-inspection Plan
8	- Appendices	<ul style="list-style-type: none">- References- Curriculum Vitae and Data on the Qualifications of those Preparing the Study- Relevant Formal Documents (Environmental Permits, Operational Licenses, Certificates, etc....)- Audit Methodology and Sampling Protocols- Results of the Tests (if Available)- Material Safety Data Sheet (MSDS) for Chemicals used in the Activity